

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 18-11(1) (DWF/KMM)

Plaintiff,

v.

**ORDER**

Jon William Guess,

Defendant.

This matter is before the Court on the parties' Joint Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c). (Doc. No. 114). The Motion is granted.

Defendant Jon William Guess pled guilty to conspiracy to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine. Guess was sentenced to 120 months' imprisonment. Guess suffers from Chronic Obstructive Pulmonary Disease with a possible asthmatic component, combined with an extensive history of smoking approximately one pack of cigarettes per day for 45 years. Guess is 65 years old and obese. The Centers for Disease Control and Prevention has identified these medical conditions as increasing an individual's risk for severe illness should they contract COVID-19. Guess is housed at Safford FCI, which has reported six cases of COVID-19 among inmates and seven among staff. Therefore, the Government and Guess jointly request that his sentence be reduced to time served and he be released, subject to the supervisions conditions previously imposed at the time of sentencing with

the addition that he reside at a residential reentry center for a period of up to 180 days while the Probation Office's investigation of Guess's release plan is pending.

The First Step Act allows the Court to reduce a defendant's term of imprisonment if it finds "extraordinary and compelling reasons." 18 U.S.C. § 3582(c)(1)(A)(i). Here, the parties all agree that Guess should be released. The Court agrees. While Guess has only served approximately one-third of his sentence, his myriad health concerns place him at particular risk for extreme illness should he contract the COVID-19 virus. This creates an "extraordinary and compelling reason" for reduction of Guess's sentence.

Despite the seriousness of Guess's crime and age, he had no prior convictions for crimes of violence at the time of sentencing. Guess has had no disciplinary incidents during his imprisonment, he has completed rehabilitative programming, and his recidivism risk is rated as minimum by the BOP. Accordingly, the Court concludes the § 3553(a) factors warrant a reduction in Guess's sentence to time served under the First Step Act.

## **CONCLUSION**

Based upon the foregoing, and on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Joint Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c) (Doc. No. [114]) and Guess's Motion to Reduce Sentence of Imprisonment (Doc. No. [111]) are **GRANTED**;
2. Guess's sentence of 120 months' imprisonment is **REDUCED** to time served under 18 U.S.C. § 3582(c)(1)(A);

3. Guess shall be placed on supervised release and the Court re-imposes the terms and conditions of supervised release as set forth in the Judgment (Doc. No. 106), with the following amended condition:

i. Upon release, the defendant shall reside for a period of up to 180 days in a residential reentry center as approved by the probation officer and shall observe the rules of that facility.

4. The Court directs the Bureau of Prisons to immediately commence the process of releasing Guess from custody, and to release him as soon as his medical condition permits. To ensure Guess's health and safety upon release, the Court authorizes Guess's release from BOP custody as soon as the release plan is implemented, travel arrangements can be made, and any applicable quarantine period required in light of the COVID-19 pandemic has been completed. The Court leaves it to the discretion of the Bureau of Prisons and the United States Probation Office to determine whether any quarantine is served in Bureau of Prisons custody, a Residential Reentry Center, or in the community.

Date: November 16, 2020

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge